

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EDUARDO JACOBS,

Plaintiff,

Case No. 15-10516

v.

Hon. Denise Page Hood

RAYMON ALAM, et al.,

Defendants.

**ORDER DENYING MOTION FOR RECORD REQUEST AND
APPLICATION TO PROCEED WITHOUT PREPAYING FEES OR COSTS**

This matter is before the Court on a Motion for Record Request, Notice of Appeal, Writ of Certiorari and an Application to Proceed Without Prepaying Fees or Costs on Appeal filed on October 16, 2023. (ECF Nos. 309, 310, 311, 313)

On December 3, 2019, the jury returned a verdict of no cause of action and a Judgment was entered against Jacobs. (ECF Nos. 261, 262) The Court entered an Order Denying Plaintiff's Motion for New Trial. (ECF No. 296) Jacobs appealed the matter. On January 21, 2021, the Sixth Circuit Court of Appeals entered an Order affirming the Judgment and Mandate issued on February 17, 2021. (ECF Nos. 299, 300) Jacobs has since filed a few Notices of Appeal. (ECF Nos. 301, 307, 310, 311) The

latest order entered by the Sixth Circuit Court of Appeals dismissed the appeal for lack of jurisdiction. See *Jacobs v. Alam*, Case No. 23-1265 (6th Cir. June 2, 2023).

Addressing first Jacobs' Motion of Record Request, it appears he is requesting the audio and video of his complete trial in Case No. 2:15-cv-10516. There are no audio and video recordings of his trial. Jacobs' Motion fo Record Request is denied.

As to Jacobs' application to proceed without prepaying fees, the Court denies the application because the latest order from the Sixth Circuit dismissed Jacobs' previous appeal for lack of subject matter jurisdiction. Based on this order by the Sixth Circuit, any new appeal will likely again be dismissed for lack of subject matter jurisdiction. The Court finds that Jacobs' most recent filing of a Notice of Appeal is frivolous and will not be taken in good faith. Accordingly,

IT IS ORDERED that the Motion for Record Request (**ECF No. 309**) is DENIED.

IT IS FURTHER ORDERED the Application to Proceed Without Prepaying Fees or Costs on appeal (**ECF No. 313**) is DENIED. Any appeal from this Order is frivolous and is not taken in good faith. 28 U.S.C. § 1915(a)(3); *Coppedge v. United States*, 369 U.S. 438, 445 (1962),

McGore v. Wigglesworth, 114 F.3d 601, 610-11 (6thCir. 1997)(overruled on other grounds by *Jones v. Bock*, 549 U.S. 199 (2007)).

s/Denise Page Hood
DENISE PAGE HOOD
United States District Judge

DATED: October 18, 2023